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ABSTRACT

Designed for middle school through high school students, this unit contains eight lesson plans that focus on Tennessee state law. The state lessons correspond to lessons in the volume, "Antidote: Civic Responsibility. Drug Avoidance Lessons for Middle School & High School Students." Developed to be presented by educators, law student, or attorneys, the state lessons are interactive and sequential, although individual lessons can stand alone. The document includes legal information about driving while intoxicated, drug offenses, sentencing, and drug and alcohol statutes written specifically to combat juvenile abuse. (RJC)

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ED 382 551

Antidote: Civic Responsibility

Tennessee Law

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Lesson 1

1. Has Aimee violated any state laws? Have her parents?

Aimee's actions, since she intended no harm, do not violate any Tennessee law. The parents or guardians of minors who willfully or maliciously cause personal injury and/or destroy property may be liable to reimburse damages up to $10,000. if the minor is under 18 and living with the said parent or guardian. Tenn. Code Ann. § 37-10-101 (1992). Liability will result if the parents know or should have known of the minor's tendency to commit wrongful acts and they do not exercise reasonable restraint to deter such behavior. Id. § 103.

Carrie and Aimee's parents may be guilty of child neglect for not properly caring for their children. "Any person who knowingly, other than by accidental means, treats a child under 18 years of age in such a manner as to inflict injury or neglects such child as to adversely affect the child's health and welfare is guilty of a Class A misdemeanor." Tenn. Code Ann. § 39-15-401 (1992). The penalty is imprisonment for up to 12 months and/or a fine of up to $2500. Section 39-15-402 - Aggravated Child Abuse - increases the stakes. If one is guilty of violating § 401 and the act of abuse results in serious bodily injury to the child the violation is a Class B felony, punishable by 8 to 35 years in prison and a fine up to $25,000. Arguably the parents should have known not to leave a 3 year old with a 10 year old. If they routinely left Carrie with Aimee for extended periods of time this argument might be successful, in which case any harm to Carrie will be the responsibility of the parents. More likely, however, this one accident will not result in the parents' conviction for neglect.

2. Does state law allow 17 year old Tyrell to drink a glass of wine with his dinner without his parents' consent?

No. It is unlawful in Tennessee "for any person under 21 years of age to purchase, possess, transport or consume alcoholic beverages, wine or beer." Tenn. Code Ann. § 1-3-113(b) (1992). Thus, Tyrell cannot drink wine at dinner.

Parental consent would not allow Tyrell to drink wine either. In Tennessee there are only two exceptions which allow those under 21 to handle or consume alcohol. Persons under 21 are allowed to take alcohol or wine from a minister or priest at a communion service, bar mitzvah, or other similar religious service or ceremony, in accordance with the practices of such denomination or sect. Tenn. Code Ann. § 1-3-113(b)(3) (1992). Further, Tennessee allows those 18 and above "to transport, possess, sell or dispense alcoholic beverages, wine or beer in the course of employment." Tenn. Code Ann. § 1-3-113(b)(1) (1992).

3. Is Maria violating any law when she tells her roommates whom

to call to buy marijuana?

Tennessee law states that it is an offense for a defendant to "knowingly deliver a controlled substance. . ." Tenn. Code Ann. 39-17-417(2) (1992). Deliver means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship. Arguably, Maria is delivering a controlled substance and can be fined up to $5,000 according to § 39-17-417(g)(1).

Maria might also be charged with conspiracy to purchase marijuana. A conspiracy is committed if 2 or more people intentionally engage in conduct which amounts to the commission of an offense. Maria's roommates' goal is to purchase marijuana, an illegal drug. Maria is a crucial link to this endeavor, so if it is successful she is part of the conspiracy.

4. **Have Adam and Alex broken any laws other than those against drinking and fighting?**

Adam and Alex might be charged with criminally negligent homicide. "Criminally negligent conduct which results in death is criminally negligent homicide." Tenn. Code Ann. § 39-13-212(a) (1992). Conviction requires a showing that the defendant failed to perceive that her conduct presented an unjustifiable risk to the victim; and that the failure to perceive the risk must be a gross deviation from the standard of care that an ordinary person would exercise under the circumstances. State v. Owens, 820 S.W. 2d 841 (Tenn. Crim. App. 1992).

They might also be charged with reckless homicide: "a reckless killing of another." Tenn. Code Ann. § 39-13-215 (1993 Supp.). One's behavior is reckless when she is aware of, but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a degree and nature that its disregard constitutes a gross deviation from the standard of care of the ordinary person. Id. § 39-11-302(c) (1992).

Of these two possible charges, the second, reckless homicide, is the more likely. However, it is arguably not applicable. Consequently, an assault (knowingly, recklessly or intentionally causing bodily injury to another) charge might be the most severe charge against Adam and Alex in addition to the drinking and fighting charges they will face. Assault is a Class A misdemeanor punishable by imprisonment for up to 12 moths and/or a fine of up to $2500. Tenn Code Ann. § 39-13-101(a)(1) (1992).

5. **Has Jose violated any state law even though he is not drinking? Has Carlos or TJ violated any state law?**

Jose, age 17 is serving as the designated driver. He is not/has not been drinking, thus is not at risk of a driving while intoxicated charge. He might be considered in constructive possession of alcohol under Tenn. Code Ann. § 57-4-203(b)(2)(A) (1992) in which case he would be guilty of a Class A misdemeanor punishable by imprisonment for up to 12 months and/or a fine of up to $2500.

Carlos, age 22, is above the legal drinking age. Since Tennessee has no prohibition regarding open containers of alcohol Carlos has violated no law. If Carlos is visibly intoxicated he may face public intoxication charges.

TJ, age 18, is in violation of the law for merely possessing alcohol. Tenn. Code Ann. § 57-4-203(b)(2)(A) (1992). This is a Class A misdemeanor punishable by imprisonment for up to 12 months and/or a fine of up to $2500.

6. **Is Dr. Melrose violating any state or federal law by prescribing pain killers without conducting an examination or determining need?**

Dr. Melrose is violating not only state law, but federal law too. Under 21 U.S.C.A. § 829, a physician must have a legitimate medical purpose for dispensing drugs, and the act of dispensing or prescribing drugs should be within the usual course of professional conduct. U.S. v. Varma, 691 F.2d 460 (1982), U.S. v. Jamieson, 605 F. Supp. 119 (1985).

Dr. Melrose's patients, if they do not provide him with a bona fide reason for needing the painkillers, may also be breaking the law. 21 U.S.C.A. § 843 prohibits knowingly or unknowingly acquiring possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge.

"For a person to knowingly possess or casually exchange a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice," is a violation of Tenn. Code Ann. § 39-17-418(a). Additionally, § 39-17-417(a) prohibits selling and/or possessing a controlled substance with intent to manufacture, deliver or sell such controlled substance. The penalty for either of these violations depends on the substance at issue. [1] Dr. Melrose might be in violation of both these laws since he gave his patient's the prescriptions without the necessary need on the patients. He is a mere seller of drugs.

7. **Is Danielle violating any law by taking only one or two pills**

[1] Deliver is defined in the Tennessee Drug Control Act as "the actual constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship." Tenn. Code Ann. §39-17-402(6) (1992).

from someone else's prescription?

Danielle is violating several state and federal laws. Since she is in effect dispensing prescription drugs to herself, she is violating 21 U.S.C.A. § 829, which prohibits dispensing any controlled substance which is prescription drug without the written prescription of a practitioner. She is also violating 21 U.S.C.A. § 843, which prohibits knowingly or unknowingly acquiring possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge and 21 U.S.C.A. § 844 which prohibits simple possession of a controlled substance unless such a substance was obtained by a prescription. The seriousness of her crime under federal drug control law will depend on the type of drug which she is taking and how the drugs are used.

Danielle, a pharmacy employee, is further violating Tennessee law. "For a person to knowingly possess or casually exchange a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice," is a violation of Tenn. Code Ann. § 39-17-418(a). Additionally, § 39-17-417(a) prohibits selling and/or possessing a controlled substance with intent to manufacture, deliver or sell such controlled substance. The penalty for either of these violations depends on the substance at issue.[2]

Danielle may also be violating a theft of property statute. Tenn. Code Ann. §39-14-103 (1992) states that a person commits theft of property if the person "with intent to deprive a merchant of the stated price of merchandise, knowingly . . . takes possession of, . . . transfers the merchandise from one container to another" property. While Danielle may not intend to reduce the amount obtained for the item by the merchant, she certainly intends to effect the property given to the buyer. Danielle may also be civilly liable for the value of the drugs taken. Tenn. Code Ann. §39-14-145(1) (1992) requires the employee to repay the employer the greater of $100 or 3 times the value of the merchandise taken. The liability amount varies depending on whether or not the merchandise is returned and its condition.

8. **Is Renee breaking any law even though she is not selling drugs herself?**

Even thought she is not selling drugs directly, Renee is violating several state and federal laws. She is violating 21 U.S.C.A. § 841 prohibiting possession of a controlled substance with the intent to manufacture, distribute or dispense drugs and 21 U.S.C.A. § 844 prohibiting simple possession of a controlled substance.

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[2] See footnote 1 above.

Renee could receive an increased sentence in accordance with the federal sentencing guidelines as a result of her using children in her scheme. Under 21 U.S.C.A. § 859, the distribution of a controlled substance to a person under 21 year of age is subject to increased penalties. The United States expressed its concern with the importance of protecting children from drug trafficking under 21 U.S.C.A. § 860, which imposes heavier prison sentences in cases involving the distribution or manufacture of controlled substances in the proximity of schools, playgrounds or youth centers. 18 U.S.C.A. App. 4 § 3B1.3 also provides for increased sentences in cases of abuse of one's position of trust, as in a drug trafficking defendant involving her daughter in the drug trade. U.S. v. Ledesma, 979 F.2d 816 (1992).

Renee is violating several Tennessee Laws. "For a person to knowingly possess or casually exchange a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice," is a violation of Tenn. Code Ann. § 39-17-418(a). Additionally, § 39-17-417(a) prohibits selling and/or possessing a controlled substance with intent to manufacture, deliver or sell such controlled substance. The penalty for either of these violations depends on the substance at issue. [3]

9. **Did Jim violate any law other than those regarding controlled substances?**

Their heroin use is a felony under federal drug-control statutes. 21 U.S.C.A. § 841 prohibits possession of a controlled substance with the intent to manufacture, distribute or dispense such substance. 21 U.S.C.A. § 844 prohibits simple possession of a controlled substance.

Under Tennessee law, "for a person to knowingly possess or casually exchange a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice," is a violation of Tenn. Code Ann. § 39-17-418(a). Additionally, § 39-17-417(a) prohibits selling and/or possessing a controlled substance with intent to manufacture, deliver or sell such controlled substance. The penalty for either of these violations depends on the substance at issue. [4]

Jim, thus, appears to have violated several state and federal laws by his using and sharing of illegal drugs. Additionally, if Jim knew he had HIV and he still shared needles, it could be argued that he intentionally infected Andre. He could be

[3] See footnote 1 above.

[4] See footnote 1 above.

charged with murder or a less offense such as those mentioned in question #4. Since Jim is dead, civil damages might be recoverable from his estate.

10. Has the bartender or owner of Bulldog's Bar & Grill violated any law?

Yes. The owners of Bulldog's are licensees. Tenn. Code Ann. § 57-4-203(c) (1992) states, "It is unlawful for any licensee or other person to sell or furnish any alcoholic beverage to any person who is . . . visibly intoxicated, or to any person who is known to habitually drink alcoholic beverages to excess, or to any person who is known to be an habitual user of narcotics or other habit-forming drugs." A violation of this section is a Class A misdemeanor punishable by imprisonment for up to 12 months and/or a fine of up to $2500. Likewise, a retailer would be in violation of the law for selling or furnishing any alcoholic beverage to one who is drunk or with someone who is drunk. Tenn. Code Ann.§ 57-3-406 (1992).

If someone is injured by Su, that individual might be able to recover damages from Bulldog's if it can be proven that the bartender sold alcohol to an obviously intoxicated person and the injury is a direct result of the consumption of alcohol. Tenn. Code Ann. § 57-10-102(2) (1992).

Lesson 2

CRIMINAL JUSTICE STATISTICS: DRUG AND ALCOHOL RELATED OFFENSES UNIFORM CRIME REPORT DATA OF 1990--CRIME IN THE UNITED STATES

According to the Uniform Crime Report of 1990, 68% of the drug abuse violators were arrested for possession of heroin, cocaine or a narcotic derivative. A little over 31% of drug arrests were for the sale and manufacture of drugs.

Out of the 14,195,100 total number of arrests that occurred in 1990, drug abuse violations accounted for 1,089,500, driving under the influence comprised 1,810,800, and liquor law violations represented 714,700 of the total.

1981-1990 Ten Year Trend

Arrests for Drug Abuse Violations

In 1981, the total number of arrests for drug abusers under the age of 18 was 69,383. On the other hand in 1990, the total number was 50,435. This represents a 27.3% **decrease** in the number of arrests for persons under the age of 18. However, the number of arrests for persons over the age of 18 represent an 89.9% **increase** from 332,733 in 1981 to 631,932 in 1990.

Liquor Law Violations

For persons over the age of 18, the number of arrests for liquor law violations have dramatically **increased** to 61% from 218,079 in 1981 to 351,064 in 1990. However, the number of arrests for persons under the age of 18 has decreased to less than 0.4%.

♦ ♦ ♦

Criminal Victimization in the United States, 1990 A National Crime Victimization Survey Report, February, 1992

Percent Distribution of Victimizations by Perceived Drug or Alcohol Use by Offender:

- Of the **130,260** total rapes reported by victims to police, **49.8%** were believed to be committed by someone under the influence of drugs or alcohol.
- Of a total of **1,149,710** reported robberies, **24.2%** involved an offender under the influence of drugs or alcohol.
- Of **1,600,760** aggravated assaults committed **40%** were committed by people under the influence of drugs.
- Of the **3,128,130** simple assaults reported, **32.9%** were perpetrated by someone perceived to be under the influence of drugs or alcohol.

Lesson 4

FEDERAL SCHEDULE (answers to handout 3)

DRUG	SCHEDULE
heroin	schedule 1
beer	not a scheduled drug
vodka	not a scheduled drug
nitrate	not a scheduled drug
amphetamines	schedule 3
caffeine	not a scheduled drug
marijuana	schedule 1
crack	schedule 2
scotch	not a scheduled drug
MSG	not a scheduled drug
cocaine	schedule 2
glue	not a scheduled drug

FEDERAL PENALTIES BY SCHEDULE FOR POSSESSION

SCHEDULE	MAX. PRISON	MAX. FINE	MAX. TOTAL
schedule 1	15 years	$25,000	15yrs + $25,000
schedule 2	15 years	$25,000	15yrs + $25,000
schedule 3	5 years	$15,000	5yrs + $15,000
schedule 4	3 years	$10,000	3yrs + $10,000
schedule 5	1 year	$ 5,000	1yr + $ 5,000
unscheduled drug	n/a	n/a	n/a

The penalty doubles if the defendant has a previous conviction for a schedule law violation.

In order for a drug to be a narcotic, it must be a derivative of opium. All narcotics contain opium or opium derivatives, ie: heroin.

Malt beverages such as beer are not included in the scheduling process. They are controlled by liquor laws.

Information from 21 U.S.C.A. § 841 (West 1981).

States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Alabama	sch 1	sch 2	sch 2	sch 1	sch 3
Alaska	sch 1A	sch 2A	sch 2A	sch 3A	sch 4A
Arizona	sch 1	sch 2	sch 2	sch 1	sch 2
Arkansas	sch 1	sch 2	sch 2	sch 1	not listed
California	sch 1	sch 2	sch 2	sch 1	sch 2
Colorado	sch 1	sch 2	sch 2	sch 1	sch 2
Connecticut	sch 1	sch 2	sch 2	sch 1	sch 3
Delaware	sch 1	sch 2	sch 2	sch 1	sch 2
D.C.	sch 1	sch 2	sch 2	sch 2	sch 2
Florida	sch 1	sch 2	sch 2	sch 1	sch 2
Georgia	sch 1	sch 2	sch 2	sch 1[5]	sch 2
Hawaii	sch 1	sch 2	sch 2	sch 1	sch 2
Idaho	sch 1	sch 2	sch 2	sch 1	sch 2
Illinois	sch 1	sch 2	sch 2	listed under its act: the Cannabis Control Act, 56 1/2 §701 et seq	sch 2
Indiana	sch 1	sch 2	sch 2	sch 1	sch 2
Iowa	sch 1	sch 2	sch 2	sch 1	sch 2
Kansas	sch 1	sch 2	sch 2	sch 1	sch 1
Kentucky	sch 1	sch 2	sch 2	sch 1	sch 2
Louisiana	sch 1	sch 2	sch 2	sch 1	sch 2
Maine[6]	sch W	sch W	sch W	sch W & Z	sch W
Maryland	sch 1	sch 2	sch 2	sch 1	sch 1
Massachusetts[7]	class A	class B	class B	class D	class B
Michigan	sch 1	sch 2	sch 2	sch 1	sch 2
Minnesota	sch 1	sch 2	sch 2	sch 1	sch 2
Mississippi	sch 1	sch 2	sch 2	sch 1	sch 2
Missouri	sch 1	sch 2	sch 2	sch 1	sch 2
Montana	sch 1	sch 2	sch 2	sch 1	sch 2

[5] Must have more than 15% THC (tetrahydrocannobinol), the chemical in the cannabis plant.

[6] Maine schedules its drugs under an alphabetical category: W, X, Y & Z. The schedules are similar to other state categorizations.

[7] Massachusetts calls their schedules classes, but they are the same thing.

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States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Nebraska	sch 1	sch 2	sch 2	sch 1	sch 2
Nevada[8]	sch 1	sch 2	sch 2	sch 1	sch 3
New Hampshire	sch 1	sch 2	sch 2	sch 1	sch 3
New Jersey	sch 1	sch 2	sch 2	sch 1	sch 3
New Mexico	sch 1	sch 2	sch 2	sch 1 & 2	sch 2
New York	sch 1	sch 2	sch 2	sch 1	sch 2
North Carolina	sch 1	sch 2	sch 2	NC has a sixth schedule which incl. marijuana	sch 2
North Dakota	sch 1	sch 2	sch 2	sch 1	sch 2
Ohio	sch 1	sch 2	sch 2	sch 1	sch 2
Oklahoma	sch 1	sch 2	sch 2	sch 1	sch 2
Pennsylvania	sch 1	sch 2	sch 2	sch 1	sch 2
Puerto Rico	sch 1	sch 2	sch 2	sch 1	sch 3
Rhode Island	sch 1	sch 2	sch 2	sch 1	sch 2
South Carolina	sch 1	sch 2	sch 2	sch 1	sch 2
South Dakota	sch 1	sch 2	sch 2	sch 1	sch 2
Tennessee	sch 1	sch 2	sch 2	sch 2, but only for certified patients under the Controlled Substances Therapeutic Research Act	sch 2
Texas	sch 1	sch 2	sch 2	sch 1	sch 2
Utah	sch 1	sch 2	sch 2	sch 1	sch 2
Vermont	sch 1	sch 2	sch 2	sch 1	sch 3
Virginia	sch 1	sch 2	sch 2	not listed, but liquid marijuana or hashish oil is listed as sch 1	sch 2
Washington	sch 1	sch 2	sch 2	sch 1	sch 2
West Virginia	sch 1	sch 2	sch 2	sch 1	sch 2
Wisconsin	sch 1	sch 2	sch 2	sch 1	sch 2

[8] While Nevada does not specifically name drugs under its five schedules, but instead lists the specific tests to determine under which schedule a drug belongs § 453.2182 says that the state will use 21 USC as a guide for scheduling. The state merely reserves the right to reschedule any controlled substance as it sees fit according to the tests set out in 453.166, et. seq.

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States	Heroin	Cocaine	Crack	Marijuana	Amphetamine
Wyoming	sch 1	sch 2	sch 2	sch 1	sch 2

Lesson 5

OFFENSE/SUBSTANCE	SENTENCE
First Offense: Cocaine - Possession With Intent To Distribute - 5 kg	• fine of $2000 to $500,000, and • imprisonment for between 15 & 60 years
First Offense: Trace of Heroin - Possession of 1 kg or more of a mixture with a small, but detectable amount of heroin	• fine between $2000 and $500,000, and • imprisonment for 15 to 600 years
First Offense: Codeine - Possession - 200 mg	• fine of $2000 to $100,000, and • imprisonment for 8 to 30 years
Second Offense: Marijuana - Possession - 50 kg	• fine of $2500 to $200,000 and • imprisonment for 8 to 30 years
Third Offense - Methamphetamine - Possession - 100 g	• fine of $3000 to 200,000, and • imprisonment for 8 to 30 years

Cite: Tenn Code Ann. § 39-17-417

Current Federal Penalties:

Group 1 and Group 2: . . . person shall be sentenced to prison which may not be less than 10 years or more than life and a fine not to exceed 4 million dollars.

Group 3: . . . person shall be sentenced to a term of imprisonment of not more than one year, a fine not exceed $250,000 in the case of an individual.

Group 4: . . . person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed $500,000.

Group 5: . . . person shall be sentenced mandatory life imprisonment without release and fine not to exceed $8 million.

Cite: 21 U.S.C. § 841 (1992).

1. **What does DWI stand for?**

Driving while intoxicated. Section 55-10-401 of the Tennessee Code makes it illegal for a person to drive on the public highways while under the influence of any intoxicant.

2. **What does DUI stand for?**

Driving under the influence.

3. **In terms of penalties, is being convicted of DWI more serious than being convicted of DUI?**

Tennessee does not distinguish between DUI and DWI .

4. **What are the penalties for being convicted of DWI? DUI?**

INDIVIDUAL	CONVICTION	PUNISHMENT
Adult: 21 or over	(§55-10-403[9]) first	• fine of $250 to $1000, and • imprisoned for between 48 hours and 11 months, 29 days, and • license revoked for 1 year.
	second	• fine of $500 and $2500, and • imprisonment for 45 days to 11 months, 29 days, and • license revoked for 2 years, and • convicted person may be sent to an alcohol abuse treatment program approved by the court for up to 28 days.
	third and subsequent	• fine of $1000 to $5000, and • imprisonment for 120 days to 11 months, 29 days, and • license revoked for 3 to 10 years

[9] For any DWI conviction, after service of the minimum days of imprisonment, the judge may sentence the person to clean liter off the highways or playgrounds of the state or work in a recycling plant in lieu of the rest of any of the other penalties.

Over 13 years, but under 18 years	($ 55-10-401/ $ 55-10-702) first	• license suspended for 1 year or until age 17, whichever is longer.
	second and subsequent	• license suspended for 2 years or until age 18, whichever is longer.
Over 18 years, but under 21 years	($ 55-10-401) first	• fine of $250 to $1000, and • jail or confinement to a work house for 48 hours to 11 months, 29 days, and • license suspension for 1 year.
	second	• fine of $500 to 2500, and • jail or confinement to a work house for 45 days to 11 months, 29 days, and • license suspension for 2 years.
	third and subsequent	• fine of $1000 to $5000, and • jail or confinement in a work house for 120 days to 11 months, 29 days, and • license revocation for 3 to 10 years

5. **What is the penalty for refusing to submit to a breathalyzer test upon a police officer's reasonable request?**

Under section 55-10-406 all who drive in Tennessee consent to a chemical test to determine blood alcohol content. Refusal will result in license suspension. The statute does not indicate the length of the suspension.

6. **What must a person's blood alcohol content (BAC) be before he/she is legally intoxicated?**

Under 55-10-408 a BAC of 0.10 result in a presumption that an individual is under the influence of an intoxicant and has an impaired ability to drive.

7. **The legal limit for blood alcohol content is lower for persons under the legal drinking age of 21. True or False?**

False. There is no age distinction in Tennessee.

8. **An open container of alcohol can be in your car if you are 21 or over. True or False?**

There is no state statute on point. However, regarding persons under 21, § 1-3-113 makes illegal the purchasing, possessing, transporting and consuming of alcoholic beverages, wine or beer.

Lesson 9

Although the drinking age is 21 in all 50 states (meaning specifically that the sale of alcohol to minors is prohibited), the laws on teenage drinking vary from state to state. The laws vary in regard to whether they include prohibition of the purchase of alcohol, the attempt to purchase alcohol, the consumption of alcohol and the possession of alcohol. According to the March 11, 1993 Safety Recommendation report of the National Transportation Safety Board,

- Five states (DE, FL, MT, NH & NY) and the District of Columbia do not prohibit the purchase of alcohol by minors.
- West Virginia and the District of Columbia do not prohibit public possession of alcohol by minors.
- 23 states (AK, AR, DE, DC, FL, GA, RI, IL, IA, LA, ME, MD, MI, MS, MT, NV, NH, NY, SC, TX, UT, VT, VA) do not prohibit minors from attempting to purchase alcohol.
- 21 states (AR, CO, CT, FL, GA, HI, IA, KY, LA, MA, MS, MO, NE, NH, NM, NC, OR, SC, VT, WV, WY) do not prohibit alcohol consumption by minors.
- 16 states (AR, CA, CO, HI, KY, LA, ME, MI, NM, NY, NC, OK, SD, VA, WA, WY) do not prohibit minors from misrepresenting their age in order to purchase alcohol.
- 19 states (AL, AR, CO, DE, DC, IA, KS, LA, MD, MN, MT, NJ, OR, PA, SC, UT, VA, WA, WI) do not prohibit minors from presenting false ID to purchase alcohol.

In addition, most states do no prohibit minors from driving with alcohol in their blood unless their blood alcohol content reaches the adult legal limit, which is .10 percent in most states. Fifteen states, however, have amended their laws to lower for minors the permitted blood alcohol content while driving. These laws vary according to the age under which minors must be in order for the lower blood alcohol content to apply. Here is the layout for state laws on blood alcohol content for minors while driving:

0.00 BAC	0.01 BAC	0.02 BAC	0.04 BAC	0.05 BAC	0.06 BAC
AZ (<21)	NJ (<21)	ME (<21)	RI (<21)	CA (<18)	GA (<18)
NC (<19)		MD (<21)	NH (<21)	NM (<18)	
OR (<21)		OH (<18)			
UT (<21)		VT (<18)			
WI (<18)					

A number of states have tried to cut down on teenage driving accidents by implementing nighttime driving restrictions. The following states have some form of curfew for teenage driving:

ID: minors <16 can drive during the daytime only
IL: minors <17 cannot drive between 11pm-6am Mon-Thur and

12am-6am Fri-Sun
LA: minors <15 cannot drive between 11pm-6am Mon-Thur and 12am:6am Fri-Sun
MD: minors <16 cannot drive between 12am-5am
MA: minors <18 cannot drive between 1am-4am
NY: minors <18 cannot drive between 9pm-5am
PA: minors <18 cannot drive between 12am-5am
SD: minors <16 cannot drive between 8pm-6am.